

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
ORANGEBERG DIVISION**

Anthony Gamble III, ) Civil Action No. 5:20-cv-02923-RMG  
)  
Plaintiff, )  
) **ORDER**  
v. )  
)  
Allendale Correctional Institution, *et al.* )  
)  
Defendants. )  
)

Before the Court is the Report and Recommendation (“R&R”) of the Magistrate Judge recommending that this action be dismissed without prejudice for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). (Dkt. No. 85). For the reasons set forth below, the Court adopts the R&R as the order of the Court and dismisses this action without prejudice.

Plaintiff, proceeding pro se, commenced this action against Defendants Allendale Correctional Institution on August 12, 2020. Defendants answered, (Dkt. No. 39), and Plaintiff subsequently moved to amend the complaint, (Dkt. No. 45). The Court granted the request on February 22, 2021, adding South Carolina Department of Corrections as a party. (Dkt. No. 65). On April 7, 2021, Plaintiff filed an affidavit with the Court summarizing his case, (Dkt. No. 75), and a letter requesting “a power of attorney document” for Plaintiff’s parents to “act as agents” for his affairs, (Dkt. No. 74). Since roughly April 7, 2021, however, Plaintiff has not communicated with the Court in any manner and has further not kept the Court apprised of changes to Plaintiff’s address despite being ordered to do so at the outset of this litigation. (Dkt. No. 8); (Dkt. No. 85 at 1-2); (Dkt. No. 80) (March 21, 2022 entry indicating the Court’s January 13, 2022 scheduling order was returned as undeliverable).

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made. Additionally, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where the plaintiff fails to file any specific objections, “a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (internal quotation omitted). Because Plaintiff did not file objections to the R&R, the R&R is reviewed for clear error.

The Court finds that the Magistrate Judge ably addressed the issues and correctly concluded that this action should be dismissed pursuant to Rule 41(b) without prejudice for lack of prosecution. Accordingly, the Court adopts the R&R (Dkt. No. 85) as the Order of the Court and dismisses this action without prejudice.

**AND IT IS SO ORDERED.**

s/ Richard Mark Gergel  
Richard Mark Gergel  
United States District Judge

July 5, 2022  
Charleston, South Carolina